THE HON'BLE SRI JUSTICE C.V.RAMULU

WRIT PETITION NO.8699 OF 1995

DATE: 12th September 2006

Between:
The Karimnagar Dist. Co-operative
Central Bank Limited, Karimnagar,
Represented by its General Manager,
T.R.K. Rao.

.... Petitioner.

And

1. The Industrial Tribunal-cum-Labour Court,
   Godavarikhani, represented by its
   Chairman, Karimnagar Dist. and another.

.... Respondents.

* * *

ORDER:

This writ petition is directed against the Award dated 28th October 1994 made in Industrial Dispute No.276 of 1991 on the file of the Industrial Tribunal-cum-Labour Court, Godavarikhani, Karimnagar District.

2. Petitioner is the management. Respondent No.2 is the workman. Respondent No.2 filed a claim petition under Section 2-A (2) of the Industrial Dispute Act (for short 'the Act'). According to the claimant he had been working as a peon-cum-watchman under the management and his services were terminated as per proceedings dated 21.11.1984 and the same is arbitrary, illegal and contrary to the provisions of the Act.

3. The management filed a counter stating that the workman was appointed on temporary basis and his services were terminated without prior notice and assigning any reasons. Further, without obtaining any prior permission the workman himself remained absent from 07.11981 to 24.01.1981 whereupon he was directed to submit an explanation. That was not the only instance of his being absent un-authorisedly and without any prior notice or information he was absent several times and was in the habit of being absent very now and then. Though a lenient view was taken, he did not mend his behaviour. Therefore, the management was compelled to terminate the services of the workman.

4. On behalf of the petitioner-workman he examined himself as W.W.1 and marked documents Exs.W-1 to W-4. On behalf of the management M.W.1 was examined and documents Exs.M-1 to M-19 were marked.

5. After a detailed consideration of entire oral and documentary evidence, the Tribunal found that the order passed by the respondents under proceedings dated 21.11.1984 terminating services of the petitioner are arbitrary and contrary to the provisions of the Act, and therefore, the same are set aside and the claimant was ordered to be reinstated afresh. It was also made clear he was not entitled to continuity of his previous service nor any back wages. Further punishment was imposed saying that he was entitled to 75% salary only for one year from the date of actual reporting for duty. Aggrieved by the same, the management

filed the present writ petition.

6. It is the contention of the learned counsel appearing for the petitioner-management that the impugned Award passed by the Tribunal is contrary to the evidence on record, therefore, the same is liable to be set aside.

7. On the other hand, the learned counsel for the respondent No.2-workman supported the Award passed by the Tribunal and stated that the Tribunal has not committed any error calling for interference of this Court under Article 226 of the Constitution of India.

8. I have given my earnest consideration to the respective submissions made by the learned counsel on either side and perused the impugned Award and other material made available on record.

9. The Tribunal found that the termination of services of the claimant was not proper and the same was in violation of the provisions of the Act. In view of some delay caused in approaching the Tribunal, it was ordered for fresh appointment of the claimant, the same is neither arbitrary nor illegal. The writ petition is devoid of merits and is liable to be dismissed and accordingly dismissed. No order as to costs.

_____

C.V.RAMULU, J.

Date: 12th September 2006.
BSB